



Town of Tyngsborough
Zoning Board of Appeals
Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 115

TYNGSBOROUGH ZONING BOARD OF APPEALS MINUTES
July 10, 2014
APPROVED

Attachments:

1. Meeting Agenda
2. Tyngsboro Crossing Revised Site Development Plans – 6/26/14
3. PSC Peer Review Report for Tyngsboro Crossing – 7/9/14

Members Present: Claire Cloutier - Chairman
Robb Kydd
Christine Mechalides
Joe Polin
Scott Bordeleau
Pamela Berman, Administrative Assistant

Members Absent: Cheryl Bradley

6:30pm Meeting was called to order by Chairman C. Cloutier

Public Hearing #1

125-135 Middlesex Rd. (M21, P14, L0 & L1) – Request for a Comprehensive Permit pursuant to Chapter 40B of the Massachusetts General Law, and the Tyngsborough Zoning By-Laws Section 1.13.23 for the development of a residential housing community that will contain 66 units of residential housing on an 8.3 acre site to be named “Tyngsboro Crossing”. *Advertised in the Lowell Sun Thursday February 27, 2014 and Thursday March 6, 2014. Continued from June 12, 2014*

Atty. Melissa Robbins appeared before the Board for the applicants Dennis Page and Dave Trahan. Atty. Robbins briefed the Board on the revised plans dated 6/26/14. The revisions specifically address the public safety concerns voiced by the Fire and Police Departments. The revisions include the following:

- There are sidewalks throughout the project on both sides of the roadway.
- A six foot chain-link fence is shown running the length of the rear of the property which abuts the railroad tracks and the Merrimack River.
- The entrance to the project was moved from the original position across from Old Tyng Rd. approximately 40' further south.

- Sewer infrastructure was added to the design plans eliminating the need for septic systems.
- The placement of the homes was shifted on the site; however, the number of units was not increased.
- There will be three hydrants installed per recommendation from the Fire Department.
- The plans were revised to add delineations for the approximate limit of estimated and priority habitats of rare species.

In addition, Atty. Robbins reported that a traffic study is being conducted and will be ready for the August ZBA meeting. Finally, they also plan to meet with the Sewer Commission prior to the August ZBA meeting in order to discuss the sewer design for the project.

Board engineer Dave Sanderson with PSC reviewed the revised plans and noted that the revised design is much better; however, there still remain several open items that require applicant action, specifically, signage, landscaping, traffic management during construction, stormwater management, priority habitat/rare species evaluations, and Conservation issues that include wetlands/riverfront/flood plain. In addition, there have been no impact studies or reports provided that address the impact this development will have on the community and its services, most notably being the school system, Fire and Police Departments. Finally, Mr. Sanderson questioned whether any of the statutory thresholds have been met in Tyngsborough relative to 40B housing inventory, and the General Land Area Minimum. Board Counsel Atty. Adam Costa noted that the Board should work with Town Administration to determine if any of the statutory minima for 40B have been met. If the Town has a Housing Production Plan, this would help with making these determinations. It was noted, that the Town does have a Housing Production Plan.

J. Polin listed the following concerns and issues that must be addressed:

- Snow storage
- curbing requirements
- secondary fire access
- stormwater
- postal access
- impacts to the railroad track infrastructure
- utility capacity for gas and water supplies
- bus stop
- open space

S. Bordeleau agreed with these issues and added: street lighting, dumpster locations, and concerns with the loft space in the home design being converted to a bedroom.

Resident Robert Kierce of 150 Sherburne Ave. voiced his strong opposition to this development, citing concerns over the tremendous impact a development like this will have on Town services. He urged the Board not to “give them any breaks” relative to waiving fees or building requirements.

The Board will consider all of the facts and thoughtfully and thoroughly review all data submitted relative to this project. Going forward, the Board will solicit comments from Town departments regarding the revised plans and discuss those along with a line by line discussion of the peer review report at the next meeting.

C. Mechalides: Motion to continue this hearing until August 14, 2014 at 6:30pm

S. Bordeleau: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

ADMINISTRATIVE

1. Minutes

C. Mechalides: Motion to approve the minutes for June 12, 2014.

J. Polin: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

S. Bordeleau noted an error with the account of the motion and vote regarding the establishment of the 53G escrow account in the minutes previously approved for March 13, 2014. These minutes will be amended and put on the next agenda for an amendment approval.

2. New Business:

- Next meeting is scheduled for August 14, 2014

7:30pm

S. Bordeleau: Motion to adjourn

R. Kydd: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Minutes respectfully submitted by

